

Solicitation 23153 - Kitchen and Laundry Equipment (Statewide)  
Bidder Question Responses

#	Solicitation Document Name	Document Section (Name or No.)	Comment/Question	Response
1	Solicitation Main Document	1.2 - <i>Scope</i>	I am unable to locate the specifications/find out the make/model/ <u>sizes</u> of the COMMERCIAL LAUNDRY EQUIPMENT required. Would you let me know what that is.	The solicitation does not include “the specifications...make/model/sizes” because there are no specific Products to be bid. Pursuant to Solicitation <b>(Revised 03/05/2019)</b> Section 1.2 – Scope, which states in part “[i]t is the intent of this Solicitation to establish multiple discount from Manufacturer’s Suggested Retail Price (MSRP) Contracts for kitchen and/or laundry equipment, appliances, and related accessories.
2	Solicitation Main Document	5.3 - <i>Procurement Instructions for Authorized Users</i>	If an Authorized User negotiates a lower price, is that pricing available to all?	No, if an Authorized User negotiates a lower than Contract price with a Contractor, the Contractor is not obligated to offer that negotiated lower than Contract Pricing to all Authorized Users. Pursuant to Appendix B, General Specifications, Section 13 - Price, “(iv) Special Offers/Promotions to Authorized Users: Contractor may offer Authorized Users, under either this Contract or any other contracting vehicle, competitive pricing which is lower than the net pricing set forth herein at any time during the Contract term and such lower pricing shall not be applied as a global price reduction under the Contract pursuant to the foregoing paragraph (iii). Unless otherwise specified in the Solicitation, Contractor may offer lower prices or better terms (see Modification of Contract Terms) on any specific Purchase Order from any Authorized User without being in conflict with or having any obligation to comply on a global basis with, the terms of this clause.”
3	Solicitation Main Document	6.1 - <i>Contract Term &amp; Extensions</i>	If there is an existing contract in place, can Authorized Users utilize that contract until it expires?	No, the previous Contract for Commercial Kitchen Equipment has expired.

4	Solicitation Main Document	6.3 - <i>Price</i> & 6.13 - <i>Product Delivery</i>	Many manufacturers will offer free freight at certain quantity and/or dollar targets. If our discount is based on always providing delivery, that will artificially inflate prices for orders that meet quantity and/or dollar targets. Will prepay and add freight be a consideration for those order types?	<p>No, as Per Section 6.3 - Price, "Price shall include all customs duties and charges and be net, F.O.B. destination any point in New York State for orders, as designated by the ordering agency, including delivery, which means bringing the truck to the loading dock or loading area and bringing the load to the tailgate of the truck for agency personnel to remove the load without entering the truck. Standard shipping costs are to be prepaid by Contractor and, when determining the NYS Net Price, shall not be separately added to the Authorized User's invoice."</p> <p>Also, pursuant to Solicitation (<b>Revised 03/05/2019</b>) section 6.4 – Price Updates, "[t]he discount from MSRP is not allowed to decrease for the duration of the contract."</p>
5	Solicitation Main Document	6.3 - <i>Price</i>	Can pricing be quoted that is lower than the published discount off MSRP. The established/published discount off MSRP to be "must not exceed".	<p>Yes, Contractor may quote prices to Authorized Users that are lower than the discount off MSRP quoted in Bidder's published pricelist under the Contract. Pursuant to Solicitation (<b>Revised 03/05/2019</b>) Section 6.3 - Price, "Authorized Users may negotiate better pricing with Contractors at any time throughout the Contract period," and pursuant to Solicitation (<b>Revised 03/05/2019</b>) Section 6.4 - Price Updates, "Contractors shall be permitted to reduce their pricing any time during the contract term. The discount from MSRP is not allowed to decrease for the duration of the contract."</p>
6	Solicitation Main Document	6.3 - <i>Price</i>	When and how can the MSRP price be updated? Manufacturers may have multiple price changes every year based on market changes and raw material costs.	<p>Contractor may update their Contract pricing pursuant to Solicitation (<b>Revised 03/05/2019</b>) Section 6.4 - Price Updates, which states in part, "Commencing with the first anniversary date of the Bid Opening, and semi-annually thereafter, a Contractor may request the following updates to their Contract:</p> <ul style="list-style-type: none"> <li>a. manufacturer price changes,</li> <li>b. the addition/deletion of Products,</li> <li>c. the addition/deletion of manufacturers,</li> <li>d. the addition/deletion of Lots or Sub-Lots.</li> </ul> <p>OGS will provide deadlines for submission in the Contract award document."</p>

7	Solicitation Main Document	6.3 - <i>Price</i>	Previous contracts had an "OGS or Less" provision. Is that option available in this solicitation?	Yes, please refer to Section 6.33 - OGS or Less Guidelines, for details.
8	Solicitation Main Document	6.3 - <i>Price</i>	Can an entire manufacturers catalog be submitted instead of entering each item/SKU line by line? Most manufacturers will have hundreds of SKU's including basic models and all of the available options and accessories.	No, Price must be submitted per SKU in accordance with instructions in Attachment 1- Pricing <b>(Revised 03/05/2019)</b> .
9	Solicitation Main Document	6.3 - <i>Price</i>	Can custom items and new products be added to the contract as developed by the manufacturer?	<p>"Custom Products": No, pursuant to Solicitation <b>(Revised 03/05/2019)</b> Section 1.2- Scope, Custom Products are excluded from the scope of this solicitation.</p> <p>"New Products": New Products may be added to the Contract in accordance with Solicitation <b>(Revised 03/05/2019)</b> Section 6.4 - Price Updates. See also OGS response to question 6 above.</p>
10	Solicitation Main Document	6.3 - <i>Price</i>	Can the additional fee for inside delivery be quoted & invoiced as a separate line item?	Yes. Pursuant to Solicitation <b>(Revised 03/05/2019)</b> Section 6.13 – Product Delivery, "Contractor may include an additional fee for inside delivery with the quote. Contractor shall provide a detailed written statement of such additional charges to the Authorized User, the Authorized User shall determine whether such charges are appropriate and should be agreed to prior to acceptance of an order and such costs shall be prepaid by the contractor and added to the invoice." Please also see Solicitation <b>(Revised 03/05/2019)</b> Section 6.12 – Invoicing and Payment.
11	Solicitation Main Document	6.4 - <i>Price Updates</i>	Should the facility's design, needs or specifications change, can we add additional products to the contract?	New Products may be added to the Contract in accordance with Solicitation (Revised 03/05/2019) Section 6.4 - Price Updates.

12	Solicitation Main Document	6.4 - Price Updates	Can the Authorized User purchase newly launched items before the first anniversary date of the OGS semi-annual deadline?	No. Per Section 6.4 - Price Updates "Contractors shall submit their updated pricelist to the OGS Procurement Services contract administrator pursuant to the requirements of this section for review and written approval prior to issuing to Authorized Users or posting to the Contractor's dedicated New York State website."
13	Solicitation Main Document	6.4 - Price Updates	Can a Contractor ever add a Lot after the Contract is awarded?	Yes. Solicitation <b>(Revised 03/05/2019)</b> Section 6.4 - Price Updates has been updated to state, "Contractors may request to add a Lot or Sub-Lot to their existing Contract during Price Updates. A request to add a Lot or Sub-Lot must be submitted to OGS for review and approval and must be accompanied by all information required by this Solicitation as specified in Section 2 – Bidder Qualifications, Section 5.1, Method of Award, and Section 6.3 – Price. Contractor shall not quote or offer Product(s) that are the subject of a request to add a Lot or Sub-Lot to an existing Contract until receipt of approval from OGS. If OGS approves the addition of a new Lot or Sub-Lot, a Contract Amendment Letter will be prepared and forwarded to the Contractor for signature and will become effective upon OGS execution."
14	Solicitation Main Document	1.2 – Scope	I do not see ICE MACHINES listed in the category section, however, I know that in the past, Commercial Ice Makers have been in most food service bid requests - Is this a category you are entertaining, as part of the Commercial Kitchen Equipment / Foodservice category?	OGS would accept ice machines under Lot 1, Sub-Lot b. – Refrigeration.  With respect to the list of examples in the chart in Section 1.2, Scope, the Solicitation provides that the list of examples is an illustrative and not an exhaustive list.

15	Attachment 1 - <i>Pricing</i>	n/a	The Manufacturer Discount is not populating on Column F in the Manufacturer Tab 1.	The Manufacturer Discount in Column F will populate once a Lot or Sub-Lot is selected in Column A.
16	Attachment 1 - <i>Pricing</i>	n/a	The NYS Net Price does not calculate on Line 7 of Tab 1.	Attachment 1 - Pricing ( <b>Revised 03/05/2019</b> ) has been revised to correct cell H7 (NYS Net Price) of Tab 1. OGS will accept either the Revised Attachment 1 - Pricing ( <b>Revised 03/05/2019</b> ), or the original. If Bidder chooses to submit the original Attachment 1 - Pricing, please enter Product information beginning in Row 8 of Tab 1.
17	Attachment 1 - <i>Pricing</i>	n/a	Can we have some examples of residential kitchens done by the state? Going off of nothing is difficult i.e. no size, manufacturer, price range...anything	OGS does not have the requested information. Please also see OGS Response to question 1 above.
#	Solicitation Document Name	Document Section (Name or No.)	Bid Deviation	Response
18	Solicitation Main Document	6.3 - <i>Price</i>	Have freight be included as a line item on the quote and invoice for orders not meeting free freight levels	OGS respectfully declines to make the requested change. Pursuant to Solicitation ( <b>Revised 03/05/2019</b> ) Section 6.3 - Price, "Price shall include all customs duties and charges and be net, F.O.B. destination any point in New York State for orders, as designated by the ordering agency, including delivery, which means bringing the truck to the loading dock or loading area and bringing the load to the tailgate of the truck for agency personnel to remove the load without entering the truck. Standard shipping costs are to be prepaid by Contractor and, when determining the NYS Net Price, shall not be separately added to the Authorized User's invoice."
19	Solicitation Main Document	6.3 - <i>Price</i>	Allow pricing lower than the established/published discount off MSRP.	Please see OGS response to question 5 above.

20	Solicitation Main Document	6.3 - <i>Price</i>	Pricing changes/updates allowed when a manufacturer changes their MSRP.	<p>OGS respectfully declines to make the requested change. Pursuant to Solicitation (<b>Revised 03/05/2019</b>) Section 6.4 - Price Updates, "Commencing with the first anniversary date of the Bid Opening, and semi-annually thereafter, a Contractor may request the following updates to their Contract:</p> <ul style="list-style-type: none"> <li>a. manufacturer price changes,</li> <li>b. the addition/deletion of Products,</li> <li>c. the addition/deletion of manufacturers,</li> <li>d. the addition/deletion of Lots or Sub-Lots.</li> </ul> <p>OGS will provide deadlines for submission in the Contract award document."</p>
21	Solicitation Main Document	6.3 - <i>Price</i>	Submittal of a manufacturers catalog will be acceptable in lieu of entering line by line SKU's.	Please see OGS response to question 8 above.
22	Solicitation Main Document	6.3 - <i>Price</i>	Custom and new products/items can be added to the contract as needed.	Please see OGS response to question 9 above.
23	Solicitation Main Document	6.6 - <i>Best Pricing Offer</i>	[Bidder] is taking exception to this in it's entirety.	OGS respectfully declines to make the requested change.

24	Solicitation Main Document	6.14 - <i>Product Returns &amp; Exchanges</i>	Custom equipment is not returnable. [Bidder] has a Return Goods policy in effect. A copy is included with Attachment 7: Bidder Questions form.	<p>Custom Products are not included in this Solicitation <b>(Revised 03/05/2019)</b>. Please see OGS response to question 9 above for more details.</p> <p>OGS respectfully declines to make the requested change to Solicitation <b>(Revised 03/05/2019)</b> Section 6.14 - Product Returns and Exchanges. OGS does not agree to additional terms and conditions. Pursuant to Solicitation <b>(Revised 03/05/2019)</b> Section 4.9 – Bid Deviations, “[e]xtraneous terms submitted on standard, pre-printed forms (including but not limited to: product literature, order forms, license agreements, contracts or other documents) that are attached or referenced with submissions shall not be considered part of the Bid or resulting Contract, but shall be deemed included for informational or promotional purposes only.”</p>
25	Solicitation Main Document	6.34 - <i>Exception-Non-State Agencies Participation in Centralized Contracts</i>	If an entity has access to another [Bidder] contract (i.e. GPO or other Government contracts), they must designate which contract they want to use, and adhere to the pricing, terms & conditions of that contract.	There does not appear to be any deviation here. If an Authorized User has access to more than one contract, it should clearly state which contract it is using when requesting a quote and on the order it is placing.
26	Appendix B	13. <i>Pricing</i> , f.(iii)	Promotions for cook chill equipment are customized for each project, based on the product mix & quantities.	There does not appear to be any deviation here. All Contractor promotions are subject to Appendix B, General Specifications, Section 13 – Pricing.

27	Appendix B	47. <i>Prompt Payments</i>	[Bidder's] payment terms are NET30.	OGS respectfully declines to make the requested change to Appendix B, General Specifications, Section 47 - Prompt Payments.
28	Appendix B	54. <i>Warranties</i> (f.)	[Bidder's] standard warranty on equipment is one (1) year for parts & labor, and five (5) years on compressor parts.	There does not seem to be a deviation here. Please refer to Appendix B, General Specifications, Section 54.c. <b>Product Warranty</b> for additional information regarding product warranty.
29	Appendix B	61. <i>Product Acceptance</i>	Acceptance occurs at the time of delivery to the specified delivery location.	OGS respectfully declines to make the requested change to Appendix B, General Specifications, Section 61 - Product Acceptance, which applies to Products such as software, computer components, systems, or networks for the processing, and distribution, or storage of data.  Please see Appendix B, General Specifications, Section 34 – Title and Risk of Loss for Products other than Technology Products, for information about the acceptance provisions covering Products under this Solicitation.